

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 336 – SB 380

February 26, 2017

SUMMARY OF BILL: Enacts the *Tennessee Choice and Opportunity Scholarship Act*. Creates a statewide voucher program. Authorizes eligible students to apply for and receive vouchers to attend participating non-public schools. Requires students to meet certain eligibility requirements including, but not limited to, being zoned for or currently attending a school that is identified as being in the bottom five percent of schools in overall achievement data and meeting certain age and income requirements. Requires non-public schools to provide annual notice to the Department of Education (DOE) of their intent to participate and to comply with all other participation requirements.

Requires the DOE to administer the program, and sets forth specific departmental administrative tasks including, but not limited to, providing annual notice of students' eligibility to parents; determining and approving initial and continuing eligibility for participating schools; and remitting voucher payments to participating schools. Authorizes voucher students to enroll in another participating school without loss of eligibility, if a participating school is deemed ineligible. Sets forth the procedures that shall be followed if the number of eligible students exceeds the number of vouchers awarded at a specific school for a specific grade level, and if there are vouchers available after all possible matches have been made between participating schools and eligible students.

Requires the annual voucher amount to be the lesser of the participating school's annual tuition and fees or the amount of the required state and local Basic Education Program (BEP) funding per pupil. Requires students receiving the voucher to continue to be counted toward the average daily membership (ADM) of the local education agency (LEA). Requires LEAs to continue funding their portion of the required BEP per pupil expenditure (PPE) for participating students. Authorizes LEAs to retain any local funding above and beyond the BEP local match requirement. Requires any remaining funds to be retained by the DOE and the LEA, with specific amounts based on the LEA's state and local BEP funding share division, if a participating school's tuition and fees are less than the required state and local BEP per pupil expenditure (PPE).

Requires the DOE to apply for use of federal funds in accordance with federal law in the event that federal funds are made available.

Caps the statewide voucher program for LEAs with a school in the bottom five percent of achievement at 5,000 vouchers for FY17-18; 7,500 vouchers in FY18-19; 10,000 vouchers in FY19-20; and 20,000 vouchers in FY20-21 and subsequent years.

Authorizes the State Board of Education (SBE) to promulgate rules and regulations to effectuate the dissemination of vouchers.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures – Exceeds \$330,400/FY17-18
\$230,400/FY18-19 and Subsequent Years**

Other Fiscal Impact – For local education agencies that have schools in the bottom five percent of achievement and are mandated to participate in the statewide scholarship program, the shift of state and required local BEP funding from these local education agencies to the non-public participating schools is estimated as follows: \$17,735,000 in FY17-18; \$27,266,300 in FY18-19; \$37,265,000 in FY19-20; and an amount exceeding \$37,265,000 in FY18-19 and subsequent years.

Assumptions relative to state expenditures:

- The DOE will require two new positions to administer the program beginning in FY17-18. One position will require a salary of \$80,124 with benefits of \$20,219; a total of \$100,343. One position will require a salary of \$67,008 with benefits of \$18,043; a total of \$85,051.
- The total recurring increase in state expenditures for personnel is estimated to be \$185,394 (\$100,343 + \$85,051).
- Pursuant to § 49-1-1204 of the proposed bill, the DOE shall notify parents of student eligibility and participating schools. Though the exact number of eligible students is unknown; based on information from the DOE, it is estimated that the Department will notify at least 100,000 students annually of the scholarship program.
- Based on information from DOE, the recurring increase in state expenditures to notify eligible students and participating schools through mailings and brochures is estimated to be \$45,000.
- Based on information from the DOE, the Department will require a new online portal system for receiving and processing student applications. The Department confirms a third-party contract vendor will be required to develop the new portal system. Though the exact cost for developing such system is unknown; the one-time increase in state expenditures for software development is reasonably estimated to exceed \$100,000. Such expenses will be incurred in FY17-18.
- The total increase in state expenditures in FY17-18 is estimated to exceed \$330,394 (\$185,394 + \$45,000 + \$100,000).
- The total recurring increase in state expenditures beginning in FY18-19 is estimated to be \$230,394 (\$185,394 + \$45,000).

Assumptions relative to enrollment, scholarship amounts, and program estimates:

- The scholarship program will begin in the fall of 2017.
- Though the exact number of annually participating students is unknown, it is reasonably estimated that a minimum of 50 percent of the cap for the program will be filled each year beginning in FY17-18.
- For the purposes of this fiscal note, the required state and local BEP expenditures are utilized as the scholarship amount with an estimated scholarship growth of 2.5 percent annually.
- Statewide Program Student Enrollment Estimates:
 - In FY17-18, an estimated 2,500 students will participate.
 - In FY18-19, an estimated 3,750 students will participate.
 - In FY19-20, an estimated 5,000 students will participate.
 - In FY20-21 and subsequent years, over 10,000 students will participate.
- Statewide Program Scholarship Estimates:
 - In FY17-18, the scholarship is estimated to be \$7,094 (the average 2016-2017 per pupil expenditure).
 - In FY18-19, the scholarship is estimated to be \$7,271 ($\$7,094 \times 1.025\%$) per pupil.
 - In FY19-20, the scholarship is estimated to be \$7,453 ($\$7,271 \times 1.025\%$) per pupil.
 - In FY20-21 and subsequent years, the scholarship is estimated to exceed \$7,453 per pupil.
- Total Statewide Program Estimates:
 - In FY17-18, an estimated \$17,735,000 ($\$7,094 \times 2,500$ students) will shift from LEAs to participating schools.
 - In FY18-19, an estimated \$27,266,250 ($\$7,271 \times 3,750$ students) will shift from LEAs to participating schools.
 - In FY19-20, an estimated \$37,265,000 ($\$7,453 \times 5,000$ students) will shift from LEAs to participating schools.
 - In FY20-21 and subsequent years, an amount estimated to exceed \$37,265,000 will shift from LEAs to participating schools.

Assumptions relative to LEA fund retention:

- The BEP maintenance of effort requires that local government continue to fund their LEA at the same level year-to-year unless there is a decrease in enrollment.
- Participating students will continue to be counted in LEA enrollment numbers, and LEAs will be required to continue providing funding based on the enrollment numbers that include participating students.
- A majority of LEAs are currently funding their students above and beyond the BEP local match requirement. This amount varies widely by LEA, but according to DOE, the average amount that LEAs will retain in FY17-18 is \$1,279 per pupil. This amount is estimated to increase at an average growth rate of 2.5 percent annually in each subsequent year.
- Each year, students leave and enter LEAs. As a result, LEAs adjust expenditures, teachers, facilities, and other items to meet the change in student population.

- LEAs will be able to use retained funding to offset any increase in local government expenditures or to use at their discretion for some other purpose.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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